

REMARKS

Claim 9 was rejected under 35 USC §102(e) as anticipated by Zhang et al. (US 2002/0103455). It is respectfully submitted that contrary to the Examiner's assertion, no suggestion is made in the reference that a compliant polymer is to be blended and cross-linked with a multifunctional agent. Various compliant materials are listed in paragraph [0044] while paragraph [0045] merely states that the compliant material may be crosslinked. Anticipation is thereby precluded. The absence of any suggestion to rely on crosslinking agents, as the term is defined in the specification at page 8, lines 1-6, in order to control the working diameter of the balloon within preselected pressure ranges, effectively avoids obviousness as well.

Claims 10 and 15 were rejected under 35 USC §103(a) as obvious over Zhang et al. in view of Gilson et al. (US 2002/0062133). While the Examiner concedes that the primary reference fails to suggest the disposition of longitudinally stiffening zones on the balloon, it is respectfully submitted that the secondary reference fails to do so as well. The corrugations or ribs 76 identified by the Examiner in FIG. 29 are not disposed on a balloon nor do they control the expansion of the balloon. The underlying structure comprises a filter element which is expanded by an internal support frame (paragraph [0228], last sentence) while the ribs allow the proximal section to accommodate a wider range of vessel sizes (paragraph [229]). No expandable balloon is mentioned, let alone

an expandable balloon having stiffening zones disposed thereon so as to control expansion. It is respectfully submitted that obviousness is therefore effectively avoided.

Claim 11 was rejected under 35 USC §103(a) as obvious over Zhang et al. in view of Gilson et al. and further in view of Engelson et al. (U.S. Patent No. 5,312,356). It is respectfully submitted that the patentability of underlying independent claim 10 as argued above precludes a finding of obviousness of any claims depending therefrom.

Claim 12 was rejected under 35 USC §103(a) as obvious over Zhang et al. in view of Gilson et al. and further in view of Samson et al. (U.S. Patent No. 6,090,099). It is respectfully submitted that the patentability of underlying independent claim 10 as argued above precludes a finding of obviousness of any claims depending therefrom.

Claim 21 was rejected under 35 USC §103(a) as obvious over Zhang et al. in view of Gilson et al. and further in view of Samson et al. (U.S. Patent No. 6,090,099). While the Examiner concedes that the Zhang and Gilson references do not provide for a coating of crosslinked polymeric material to control growth, it is respectfully submitted that the Samson reference fails to do so as well. Neither the structure of a balloon nor the coating of zones thereon is described. Instead, the underlying structure comprises a catheter which relies on inner stiffener members 202, 204 and a metallic braid 214 to withstand catheter pressurization while the crosslinked outer layer comprises heat shrink tubing. A catheter is not subject to the expansion of a balloon nor can heat shrink tubing reasonably be characterized as a "coating". Moreover, heat shrink tubing would not lend itself to

defining circumferentially spaced longitudinal zones as is called for in the rejected claim. It is respectfully submitted that in view of the fact that neither Gilson nor Samson are even remotely concerned with controlling the expansion characteristics of a balloon, their teachings in combination with the primary reference do not suggest the present invention as claimed.

Claims 13-14 were rejected under 35 USC §103(a) as obvious over Zhang et al. in view of Chen et al. (U.S. Patent No. 5,565,523). It is respectfully submitted that the patentability of underlying independent claim 10 as argued above precludes a finding of obviousness of any claims depending therefrom.

In light of the above remarks, applicants earnestly believe the application to be in condition for allowance and respectfully request that it be passed to issue.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:



Gunther O. Hanke

Registration No. 32,989

GOH:psm

Howard Hughes Center
6060 Center Drive, Tenth Floor
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

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